

# Legislative Analysis



## BAN CONVERSION THERAPY FOR MINORS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4616 as introduced**  
**Sponsor: Rep. Felicia Brabec**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4617 as introduced**  
**Sponsor: Rep. Jason Hoskins**

**Committee: Health Policy**  
**Complete to 6-7-23**

*(Enacted as Public Acts 117 and 118 of 2023)*

### SUMMARY:

**House Bill 4616** would amend the Mental Health Code to prohibit a mental health professional from engaging in *conversion therapy* (as defined by House Bill 4617) with a minor. A mental health professional who violates the prohibition would be subject to disciplinary action and licensing sanctions under sections 16221(a) and 16226 of the Public Health Code.

The code defines *mental health professional* as an individual who is trained and experienced in the area of mental illness or developmental disabilities and who is one of the following:

- A physician.
- A psychologist.
- The following professionals licensed or authorized under the Public Health Code:
  - A registered professional nurse.
  - A licensed master's social worker.
  - A licensed professional counselor.
  - A marriage and family therapist.

Proposed MCL 330.1901a

**House Bill 4617** would amend the Mental Health Code to define *conversion therapy* to mean any practice or treatment by a mental health professional that seeks to change an individual's sexual orientation or gender identity. This would include, but not be limited to, efforts to change behavior or gender expression or to reduce or eliminate sexual or romantic attractions or feelings toward an individual of the same gender. The term would not include counseling that provides assistance to an individual undergoing a gender transition, counseling that provides acceptance, support, or understanding of an individual or facilitates an individual's coping, social support, or identity exploration and development, including sexual orientation-neutral intervention to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change an individual's sexual orientation or gender identity.

MCL 330.1100a

Each of the bills would take effect 90 days after enactment. However, neither bill could take effect unless both were enacted.

## **BACKGROUND:**

Generally speaking, *conversion therapy* refers to a treatment based on a belief that being lesbian, gay, bisexual, or transgender (LGBT) is abnormal and can be changed, typically using a combination of talk therapy and physical and mental stimuli. The treatment is sometimes practiced by licensed professionals in the context of providing health care and sometimes by religious or spiritual advisors in the context of religious practice.

Executive Directive 2021-3, issued June 14, 2021, required the Michigan Department of Health and Human Services “to take actions necessary to prohibit the use of state and federal funds for the practice of conversion therapy on minors.” The directive included, without limitation, “funding related to Medicaid and the Children’s Health Insurance Program (CHIP), child welfare services, and juvenile justice programs.”

## **FISCAL IMPACT:**

The bills would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) or on any other state or local government units. Under House Bill 4616 and the Public Health Code, LARA would be responsible for investigating whether grounds for disciplinary action against licensees exist. Disciplinary subcommittees have the ability to levy licensing sanctions including one or more of the following: probation, limitation, denial, suspension, revocation, permanent revocation, restitution, or fines. Any resulting investigations would likely be supported by existing appropriations, and given the limited number of licensees likely to commit such violations, any impact on revenues would be negligible.

The bills would have no fiscal impact on the Department of Health and Human Services, as Executive Directive 2021-3 has prohibited state or federal funds from being used for conversion therapy of minors. The bills also would have no fiscal impact on local community mental health services programs (CMHSPs).

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